

AGENDA ITEM

March 7, 2017

Subject: Accepting Sewer Main and releasing former easement

Department: Planning/Zoning

Dollar General constructed their new building at 1600 W. Austin. During the plan review process it was discovered that a sewer main ran north/south across this property. In order to move forward with the project the sewer main was relocated into the now vacated Galbraith Street easement on the east side of the property. Alliance Water Resources inspected the installation and completion of the line and approved the line to be accepted by the City of Nevada.

This ordinance will accept the relocated line and vacate the now abandoned easement.

A SPECIAL ORDINANCE OF THE CITY OF NEVADA, MISSOURI, ACCEPTING TITLE TO A RELOCATED SEWER LINE AND AUTHORIZING AND DIRECTING THE RELEASE OF THE FORMER EASEMENT.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NEVADA, MISSOURI THAT:

Section 1. To reasonably accommodate the development of the new Dollar General Store, the City of Nevada, Missouri, hereby accepts title to an 8" sewer collector main relocated by DG Partners, LLC, in a manner and with materials acceptable to the city and authorizes and directs the release of the now abandoned easement. The relocated line has been constructed in the city's retained utility easement in vacated Galbraith Street in Block 23 of Prewitt's Addition. DB Partners, LLC has formally dedicated and conveyed said facility to the City.

Section 2. The facility accepted is limited to the new collector line – the service line to assets of DG Partners, LLC remains the responsibility of DG Partners, LLC.

Section 3. The Mayor and City Clerk are authorized and directed to execute a release of the city's abandoned easement crossing the DG Partners, LLC land, which was described in an easement dated August 22, 1955, and recorded at Book 256, Page 339 in the Office of the Recorder of Deeds for Vernon County, Missouri, on August 9, 1956.

PASSED, APPROVED and ADOPTED by the City Council of the City of Nevada, Missouri, this 20th day of March, 2017.

CITY OF NEVADA, MISSOURI

(SEAL)

By: _____
Brian L. Leonard, Mayor

Attest:

Johnna Williams, Deputy City Clerk

**DEDICATION OF SEWER MAIN
To Permit the City of Nevada to Accept
Maintenance Responsibility Therefore**

KNOW ALL PERSONS BY THESE PRESENTS, that,

WHEREAS, DG Partners, LLC, of 5530 Salt River Rd., Saint Peters, MO 63376, has constructed an 8" sewer main to provide service to its Dollar General Store, and

WHEREAS, the line has been constructed, inspected, pressure tested, placed in service and found to be in full compliance with the construction and material standards of the City of Nevada, Missouri, and

WHEREAS, the parties to this instrument desire to transfer title to the City of Nevada, Missouri to the end that the line be integrated into the City's system and maintained by the City,

NOW, THEREFORE, for good and value consideration, the receipt and adequacy of which is hereby acknowledged, DG Partners, LLC, herein called "grantor" does hereby bargain, sell, dedicate and conveys to the City of Nevada, Missouri, herein called "grantee", the 8" sewer main constructed in the City's retained utility easement in vacated Galbraith Street in Block 23 of Prewitt's Addition.

Grantor covenants that the Grantor is the lawful owner of said goods and chattels; that they are free and clear of all encumbrances, that Grantor has right to sell the same; that Grantor will warrant and defend the same against the lawful claims and demands of all persons, whomsoever.

IN WITNESS WHEREOF, Grantor has hereunto set its hand and affixed its seal the day and year hereinabove set forth.

DG Partners, LLC

(SEAL)

By: _____
Robert D. Cissell, Managing Member

Attest:

LLC Secretary

ACKNOWLEDGMENT

STATE OF MISSOURI)
) ss.
COUNTY OF _____)

On this _____ day of _____, 2017, before me personally appeared Robert D. Cissell, Managing Member of DG Partners, LLC, to me personally known to be the Managing Member of said LLC who, being by me duly sworn did say that he executed the foregoing instrument at the direction of and with consent of the governing body of said LLC, and that the execution thereof is the free and voluntary act of said LLC.

And the secretary of said LLC affixed the corporate seal and attested the same.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.

(SEAL)

Notary Public, State of Missouri

QUIT CLAIM DEED

THIS INDENTURE, Made on the _____ day of _____, 2017, by and between the **CITY OF NEVADA**, Vernon County, Missouri, a Missouri Home Rule Charter Municipality, **GRANTOR**, and the DG Partners, LLC, a Missouri Limited Liability Company, whose mailing address is 5530 Salt River Road, St. Peters, MO 63376, **GRANTEE**.

WITNESSETH, that the said **GRANTOR**, in consideration of the relocation of a sewer line at the cost of Grantee to a location in another easement of the city east of the original easement, which adjustment has been completed in a manner and with material acceptable to the city, and other **GOOD AND VALUABLE CONSIDERATION**, the receipt and adequacy of which is hereby acknowledged, **GRANTOR** does hereby **REMISE, RELEASE** and forever **QUIT-CLAIM** unto the said **GRANTEE** the original easement for sewer line dated August 22, 1955, recorded at book 256, page 339 in the office of the Recorder for Vernon County, Missouri, lying and being and situate in the County of Vernon and State of Missouri, conveying to the City of Nevada the following easement, to-wit:

An easement 30 feet in width described as: The West 30’ of Lot 12, Block 23 of Prewitt’s Addition to the City of Nevada, Missouri.

TO HAVE AND TO HOLD the same, with all the rights, privileges, appurtenances and immunities thereto belonging, unto the said Grantee, and unto its successor and assigns, forever, so that neither the said Grantor, nor its successors or assigns nor any person or persons claiming under them shall or will hereafter claim or demand any right or title to the aforesaid easement but they and everyone of them shall, by these presents, be excluded and forever barred.

IN WITNESS WHEREOF, the said Grantor has executed this instrument this day and year first above written.

CITY OF NEVADA, MISSOURI

(SEAL)

By: _____
Brian L. Leonard, Mayor

ATTEST:

Johnna Williams, Deputy City Clerk

ACKNOWLEDGMENT

STATE OF MISSOURI)
) ss.
COUNTY OF VERNON)

On this ____ day of _____, 2017, before me personally appeared Brian L. Leonard, to me known to be the Mayor of the City of Nevada, Missouri, described in and who executed the foregoing instrument and acknowledged that he executed the same in his capacity as Mayor, was his free act and deed and by the authority granted by city Council of the City of Nevada, Missouri. And the City Clerk duly attested said instrument and affixed the City Seal.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal at my office in Nevada, Missouri, the day and year first above written.

(SEAL)

Notary Public, State of Missouri